

# An Act

ENROLLED HOUSE  
BILL NO. 2165

By: Roe and Waldron of the  
House

and

Coleman and Garvin of the  
Senate

An Act relating to children; amending 10A O.S. 2021, Section 2-8-224, as amended by Section 1, Chapter 261, O.S.L. 2022 (10A O.S. Supp. 2022, Section 2-8-224), which relates to tobacco products; setting fine amounts; requiring violator to attend program or class; permitting cities and towns to enact ordinances; authorizing police officers to enforce ordinances; and providing an effective date.

SUBJECT: Children

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-8-224, as amended by Section 1, Chapter 261, O.S.L. 2022 (10A O.S. Supp. 2022, Section 2-8-224), is amended to read as follows:

Section 2-8-224. A. It is unlawful for a person who is under twenty-one (21) years of age to purchase, receive, or have in his or her possession a tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.

B. When a person violates subsection A of this section, ~~the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall require~~ the violator ~~to~~ shall complete an education or tobacco use cessation program approved by the ~~State Department of Health~~ court. If the violator fails to complete the tobacco use cessation program ordered by the court, a fine may be imposed that shall not exceed Fifty Dollars (\$50.00) for a first offense or One Hundred Dollars (\$100.00) for subsequent offenses. The violator may also be required to complete a community service program or other appropriate programs or services as ordered by the court. The court shall have jurisdiction over the violator for twelve (12) months following sentencing to ensure all programs and orders of the court are followed.

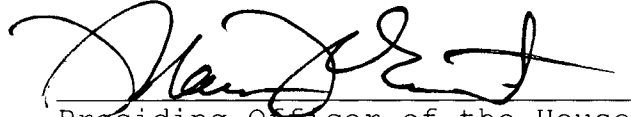
C. The ABLE Commission shall establish rules to provide for notification to a parent or guardian of any minor cited for a violation of this section.

D. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct in violation of this section.

E. For the purposes of this section, the term "vapor products" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act.

SECTION 2. This act shall become effective November 1, 2023.

Passed the House of Representatives the 14th day of March, 2023.

  
Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of April, 2023.

  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 25<sup>th</sup>  
day of April, 20 23, at 2:14 o'clock 4<sup>p</sup> M.

By: 

Approved by the Governor of the State of Oklahoma this 1<sup>st</sup>  
day of May, 20 23, at 3:19 o'clock 4<sup>p</sup> M.

  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 1<sup>st</sup>  
day of May, 20 23, at 4:38 o'clock 4<sup>p</sup> M.

By: 